

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAWN THOMAS MOORE,
Plaintiff,

v.

SUSEN ROSSINO, M.D.; BRIAN LUFFEY;
PRIMECARE MEDICAL INC.,

Defendants.

No. 2:14-cv-00870-DSC-MPK

CIVIL ACTION - LAW

Hon. David S. Cercone
Magistrate Judge Maureen P. Kelly

JURY TRIAL DEMANDED

**OMNIBUS REPLY TO PLAINTIFF'S MOTION FOR PROTECTIVE ORDER, MOTION
FOR APPOINTMENT OF COUNSEL AND MOTION FOR LEAVE TO PROCEED IN
FORMA PAUPERIS**

AND NOW comes Defendant Susen Rossino, M.D., by and through her counsel, Terry C. Cavanaugh, Esquire, Brett C. Shear, Esquire and Marshall Dennehey Warner Coleman & Goggin, and files the following Omnibus Reply to Plaintiff's Motion for Protective Order, Motion for Appointment of Counsel and Motion for Leave to Proceed in Forma Pauperis, stating as follows:

Plaintiff has filed several Motions seeking to delay his deposition. The first purported reason for his request was that he received short notice that his deposition would be taken. Plaintiff was well aware that the discovery deadline was September 1, 2016 which is the date by which his deposition would need to be completed. In any event, undersigned counsel filed a Motion on August 9, 2016 which gave Plaintiff notice that his deposition would be taken (before the September 1, 2016 deadline). Plaintiff filed no opposition to that Motion. Accordingly, he should not be heard to complain now less than one week before his deposition is scheduled to be taken (undersigned received Plaintiff's Motions on August 24, 2016 – five days before the deposition).

Plaintiff also has indicated that he would like to attempt to secure an attorney to represent him.¹ Plaintiff filed this case more than two years ago. He should not be permitted to delay the deposition to attempt to secure an attorney when he could have done so over the last two years.

With respect to Plaintiff's Motion for Protective Order, undersigned has no intention of harassing or trying to embarrass or annoy Plaintiff. He has no intention of getting into the details of the crime that has landed Plaintiff in prison. However, to the extent that there are medical issues related to Mr. Moore's criminal history, obviously undersigned counsel is entitled to explore those areas with him.²

Accordingly, Dr. Rossino requests that the Court deny Plaintiff's Motion for Protective Order in its entirety and permit the deposition to go forward as scheduled on August 29, 2016.

Respectfully submitted,

MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN

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¹ While this Defendant does not believe that there is a basis for the Court to appoint an attorney for Plaintiff, she will not take a position in that regard. Defendant obviously has no right to oppose Plaintiff obtaining representation, but doing so should not delay the deposition where Plaintiff has had two years to retain counsel.

² Mr. Moore's suggests that undersigned counsel's request that he be shackled or otherwise restrained was an attempt to embarrass him, that could not be further from the truth. Undersigned has no way of knowing whether Mr. Moore is a violent individual or not and neither he nor the court reporter should be put in any danger based on that lack of knowledge. Undersigned counsel has every intention of treating Mr. Moore professionally, consistent with his professional obligations and common courtesy.

CERTIFICATE OF SERVICE

I, Brett C. Shear, Esquire, hereby certify that a true and correct copy of the foregoing ***Omnibus Reply to Plaintiff's Motion for Protective Order, Motion for Appointment of Counsel and Motion for Leave to Proceed in Forma Pauperis*** has been served this 25th day of August, 2016, by U.S. first-class mail, postage prepaid, to the pro se Plaintiff listed below:

Shawn T. Moore, *Pro Se*
Inmate #LZ9799
SCI Pittsburgh
P.O. Box 99991
Pittsburgh, PA 15233

MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN

BY: s/ Brett C. Shear
BRETT C. SHEAR
Attorneys for Defendant, Susen Rossino, M.D.